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*Counsel for Plaintiff, on behalf of himself
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[Additional Counsel on signature page]

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

PAUL CORMIER and
NICHOLAS SHONER, on
behalf of themselves and all
others similarly situated,

Plaintiffs,

VS.

CARRIER CORPORATION,

Defendant.

Case No.: 8:18-cv-07030-
CAS (EX)

REQUEST FOR ENTRY OF JUDGMENT

1 This action against Defendant Carrier Corporation (“Carrier”) was filed by
2 two individual plaintiffs, Nicholas Shoner and Paul Cormier, and transferred to this
3 Court. (ECF 1.)

4 In its October 22, 2018 decision on Carrier’s motion to dismiss, this Court
5 dismissed all claims asserted by Mr. Shoner, and allowed certain of Mr. Cormier’s
6 claims to proceed. (ECF 52.) The Court afforded the plaintiffs 14 days to amend
7 the complaint, but they chose to stand on the original complaint. Therefore, all of
8 Mr. Shoner’s claims have been dismissed since October 22, 2018.

9 On May 16, 2019, the Court consolidated this action with the action in *Oddo*
10 *v. United Technologies Corporation*, case number 8:15-cv-01985-CAS(Ex), for
11 pretrial purposes only. (ECF 104.) However, “one of multiple cases consolidated
12 under [Rule 42(a)] retains its independent character, at least to the extent it is
13 appealable when finally resolved, regardless of any ongoing proceedings in the
14 other cases.” *Hall v. Hall*, 138 S. Ct. 1118, 1128-29 (2018).

15 On November 16, 2020, Mr. Cormier accepted an offer of judgment in his
16 favor from Carrier, inclusive of costs and fees. (ECF 116.) Mr. Cormier is entitled
17 to entry of judgment under Rule 68, which states that after acceptance of an offer
18 of judgment, “[t]he clerk must then enter judgment.”

19 As there are no longer any claims pending in this action, which retains its
20 independent character from the *Oddo* action, final judgment should be entered in
21 this action: (1) in favor of Mr. Cormier on the terms stated in the accepted Offer of
22 Judgment, and (2) in favor of Carrier on Mr. Shoner’s claims, which were
23 dismissed October 22, 2018. Plaintiffs request entry of final judgment in this
24 action in the form filed herewith.

1 DATED: December 4, 2020

By: /s/ Timothy N. Mathews

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CERTIFICATE OF SERVICE

I certify that on December 4, 2020, a copy of the foregoing *Request for Entry of Judgment* was served via the ECF notification system on all registered users.

/s/ Timothy N. Mathews
Timothy N. Mathews

Attorney for Plaintiff